

REMARKS

I. The Specification

The applicants appreciate the Examiner's notation that the term "sy" was believed to be an error. The applicants have amended the specification to replace "sy" with "structure by". No new matter is introduced by such amendment as such amendment is clearly to correct a typographical error. The applicants have also amended the specification to capitalize various trademarks which are mentioned in the specification.

II. Claims 16-25

A. Claims 16 & 17

Claims 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Patent No. 5,328,450). The rejection is respectfully traversed.

According to the Examiner, Smith teaches an absorbent layer, a carrier layer and a cover layer. The Examiner alleges that the absorbent layer comprises a thermoplastic material such as ethylene acetate copolymer, a filler material and an antibacterial agent such as polyvinyl acetate pyrrolidone-iodine. It is respectfully submitted that Smith does not anticipate the subject matter of claims 16 and 17.

Column 4 of Smith discloses using blends of ethylene-vinyl acetate copolymer to form an aperture contoured film. See lines 38-49. Smith further discloses films for forming a second layer can comprise polymers containing filler materials or whitening agents, such as polyethylene containing calcium carbonate. See lines 54-58. Smith also discloses that a

laminate may be formed by adhering the film to a deformable carrier material. See col. 3, lines 4 through 23.

Smith does not disclose "a web having a first surface upon which is deposited a particulate iodinated resin and particles of a thermoplastic binder fused to both of said particulate resin and said first surface", the applicants invention as defined in claim 16. Accordingly, Smith cannot anticipate the subject matter of the applicants' invention as defined in the claim if it lacks any element thereof, and Smith clearly lacks elements found in the applicants' claim. More particularly, Smith lacks a web having a first surface upon which is deposited a particulate iodinated resin and particles of a thermoplastic binder wherein the thermoplastic binder is fused to both the particulate resin and the first surface.

Claim 17 requires a second substrate web having a second surface spaced from the first surface and fused to the thermoplastic binder. Clearly, Smith does not disclose this structure as defined in claim 17 and therefore does not anticipate it.

The Examiner is respectfully requested to reconsider the applicants' invention as defined in claims 16 and 17 in light of the above remarks and in view of Smith. Withdrawal of the rejection under 35 U.S.C. § 102(b) is believed to be warranted in view of the lack of teaching in the Smith reference.

B. Claims 18, 19, 24 and 25

Claims 18, 19, 24 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Korpman (U.S. Patent No. 5,462,538). This rejection is respectfully traversed.

According to the Examiner, Korpman teaches an absorbent product comprising an absorbent layer, a backing layer and a facing material. The absorbent layer is plastic polymer microfibers (ethylene vinyl acetate), fillers (carbon) and an absorbent powder.

Korpman teaches an absorbent core coated with microfibers on its top surface which faces a user's body using a spray nozzle to form a liquid permeable facing and microfibers on its bottom surface to form a liquid impermeable backing.

1. Claims 18 and 19 are not Anticipated

Claims 18 and 19 are not anticipated by Korpman because Korpman fails to disclose "a first substrate web having a first surface upon which is deposited a particulate carbon and particles of a thermoplastic binder that is fused to the particulate carbon and the first surface" as required by the claims. Furthermore, Korpman does not teach "a second substrate web having a second surface spaced from the first surface and fused to the second thermoplastic binder."

Accordingly, when a reference, such as Korpman, fails to disclose all of the elements which define a claimed invention, that reference cannot anticipate the claimed invention. Clearly, there is no teaching in Korpman of fusing the thermoplastic binder to the carbon and the substrate web(s).

Reconsideration of claims 18 and 19 in view of the foregoing remarks is respectfully requested. Withdrawal of the rejection under 35 U.S.C. § 102(b) is believed to be warranted.

2. Claims 24 and 25 are not Anticipated

Claims 24 and 25 are not anticipated by Korpman because Korpman fails to disclose "a first substrate web having a first surface upon which is deposited a particulate liquid absorbent and particles of a thermoplastic binder that is fused to the particulate liquid absorbent and said first surface" as defined in claim 24. Korpman also fails to disclose a second substrate web having a second surface and fused to said thermoplastic binder." For the same reasons set forth with respect to claims 18 and 19 above, Korpman does not anticipate because it does not teach fusing the thermoplastic binder to the absorbent and to the web(s).

Reconsideration of claims 18 and 19 in view of the foregoing remarks is respectfully requested. Withdrawal of the rejection under 35 U.S.C. § 102(b) is believed to be warranted.

C. Claims 20 and 21

Claims 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Karami (U.S. Patent No. 4,055,184). The rejection is respectfully traversed.

The Examiner alleged that Karami teaches an absorbent pad comprising an absorbent layer, a backing sheet and a facing layer. The absorbent layer comprises finely divided mixture of thermoplastic polymer (grafted hydrolyzed PAN) and sodium bicarbonate.

The applicants claimed invention is defined as "a first substrate web upon which is deposited particulate sodium bicarbonate and particles of a thermoplastic binder fused to both of said particulate sodium bicarbonate and said first surface." It is respectfully pointed out

that the Karami cannot anticipate the applicants' claimed invention because Karami does not disclose that a particulate thermoplastic binder material should be fused to both the particulate sodium bicarbonate and the substrate web. Rather, Karami merely teaches applying a finely divided mixture of hydrolyzed starch PAN graft copolymer in acidic form and a non-toxic solid basic material such as sodium bicarbonate to a facing layer or backing sheet. Therefore, Karami lacks an essential element, the fusing of the thermoplastic binder material to the particulate sodium bicarbonate and the substrate web.

Claim 21 also requires that the particulate thermoplastic binder material should be fused to both the particulate sodium bicarbonate and a second substrate web. Accordingly, because such teaching is lacking in Karami, claim 21 cannot be anticipated.

Because Karami lacks an essential element required in claims 20 and 21, it is respectfully submitted that Karami does not anticipate the subject matter of either claim.

Reconsideration of the rejection of claims 20 and 21 under 35 U.S.C. § 102(b) is respectfully requested. Upon such reconsideration, withdrawal of the rejection is believed to be warranted.

D. Claims 22 and 23

Claims 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nishizawa (U.S. Patent No. 4,626,252). The rejection is respectfully traversed.

In the rejection, the Examiner alleges that Nishizawa teaches a disposable diaper comprising a backing sheet, an absorbent layer and a liquid permeable sheet. The absorbent layer is alleged to comprise a thermoplastic resin and a filler material such as magnesium oxide.

A close inspection of Nishizawa reveals that it discloses a disposable diaper comprising a vapor permeable, liquid impermeable backing sheet, an absorbent layer and a liquid permeable sheet overlying the absorbent layer. The vapor permeable, liquid impermeable sheet comprises a molded film of polyolefin resin containing filler and a wax like hydrocarbon polymer. See col 1., lines 38-51. However, Nishizawa fails to teach "a substrate web having a first surface upon which is deposited a particulate manganese oxide and particles of a thermoplastic binder fused to both of said particulate manganese oxide and said first surface" as defined in claim 22. Nishizawa also fails to disclose a second substrate web having a second surface spaced from said first surface and fused to the thermoplastic binder as required in claim 22. Accordingly, without such teaching, Nishizawa cannot anticipate the subject matter of the applicants' invention as defined in claims 22 and 23.

Thus, because Nishizawa lacks an essential element required in claims 22 and 23, it is respectfully submitted that it does not anticipate the subject matter of either claim.

Reconsideration of the rejection of claims 22 and 23 under 35 U.S.C. § 102(b) is respectfully requested. Upon such reconsideration, withdrawal of the rejection is believed to be warranted.

III. Claims 26-43

The applicants have added new claims 26 through 43 to the application to further claim the invention. The new claims define the application in terms of a product-by-process to correspond to the applicants' process claims which have been allowed in the co-pending parent application. Each of the new claims is believed to be patentable over the cited

references as each contains elements that are not found in the cited references. Favorable consideration of such claims is respectfully requested.

IV. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the subject matter of all the claims is distinguishable from the references applied by the Examiner. Accordingly, such claims are believed to be in condition for allowance, and early favorable action is earnestly solicited.

The Examiner is invited to call Applicants' attorney if any questions remain following review of the foregoing amendment and remarks.

If any additional fee is found to be required for this paper and has been overlooked, the Commissioner is authorized to charge our Deposit Account No. 23-0442.

Respectfully submitted,

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